

ARTICLE APPEARED
ON PAGE 1THE BALTIMORE SUN
30 November 1981

New secrecy rules drive over government

By Walter Taylor
Washington Bureau of The Sun

Washington—In late May, the Reagan State Department was embarrassed by the "leak" of several highly confidential memoranda suggesting closer relations with the South African government despite that country's racist policies.

The department did not officially confirm the memos' authenticity, although there was little in the documents that was inconsistent with the administration's publicly stated position on the thorny issues involved. What the department did do was pointedly announce it was going to ferret out those responsible for the leak.

Such leak investigations are nothing new, but only rarely are they announced publicly. During the final year of the Carter administration, there were 17 investigations of improper or unauthorized disclosures at the State Department alone.

The case of the South African papers, however, was intended to do more than stem the flow of embarrassing information to the press. Its announcement was meant to signal, according to officials involved, a more fundamental shift in government policy.

Administration spokesmen characterize it in terms of greater security consciousness. In a television interview last week, President Reagan himself labeled the "inability to control the leaks" his biggest disappointment since taking office.

But, some former government officials and civil libertarians describe it as an inherent penchant for secrecy on the part of the Reagan team that goes beyond stopping leaks. They say it includes limiting public access to a wide range of previously available government information.

One such critic, former Democratic Attorney General Benjamin R. Civiletti, in a recent interview faulted the Republican government for "tilting away from sunshine." Another, Representative Don Edwards (D, Calif.), chairman of the House Judiciary subcommittee on civil and constitutional rights, charged the administration with "government by stealth."

A Reagan administration official, J. Paul McGrath, who heads the civil division of the Justice Department, says the moves toward greater security in government merely rectify laxness in previous governments.

In this arena, a variety of far-reaching administration proposals to curtail public

access to information heretofore available to the public probably is of far greater significance—and to some, of greater concern—than an isolated leak investigation.

The most dramatic examples include the administration proposal to win from Congress for the Central Intelligence Agency and the FBI broad exemptions to disclosure requirements of the Freedom of Information Act; the scrapping by Attorney General William French Smith of Carter administration guidelines narrowly restricting prosecution of government leakers; and the support for legislation providing criminal penalties for anyone revealing the names of government undercover agents.

Receiving considerably less attention is an ongoing effort by the administration to rewrite guidelines regulating the classification of government documents, and day-to-day operational procedures designed to deny media access to certain information.

In the latter category, Mr. Smith, the attorney general, has abandoned the policy of his predecessor, Mr. Civiletti, of making available records of his business-related telephone calls, and at the White House members of the National Security Council staff are under strict prohibition against even receiving telephone calls from reporters.

One NSC staff member recently reported having to submit a written account of a conversation over dinner with two reporters, the substance of which barely touched on the workings of the administration's foreign policy apparatus.

At the CIA headquarters in Langley, Va., Director William J. Casey has ordered an end to routine "background" briefings for reporters involved in foreign affairs coverage and has halted publication of unclassified analyses for the public. The agency has cited time constraints and the need to lower its public profile as the reason for the moves.

The new classification guidelines, drafts of which have been circulated to various executive agencies in recent weeks, would reverse a two-decade trend by making it easier to clamp a seal of secrecy on government documents.

In effect, the order would do away with the practice of weighing the public interest in access to the information against the possible damage to national security involved in release of the material.

Steven Garfinkel, director of the Information Security Oversight Office, a bureau of the General Services Administration, acknowledged in an interview that the proposed changes reflect a "new em-

phaticism, whose bureau is charged with assuring that all agencies of government are adhering to the guidelines. During the Carter years, he added, "Security was considered almost an evil. Now it isn't."

The combination of tighter security and greater latitude to punish leakers would seem designed to bottle up within the bureaucracy not only information deemed legitimately sensitive to national security, but also that which might only be politically volatile.

Mr. McGrath, the Justice Department official who drafted the revised policy statement on leaking, denied in an interview that there was any such intent.

The previous regulations, issued last December by the Carter Justice Department, cited a number of factors that should be considered before bringing suit against government employees for divulging information, either to the press or through books or publications of their own.

Announced by Mr. Civiletti, the regulations were designed to narrow a federal court ruling in the case of former CIA agent Frank W. Snepp III, that held that implicit in government service was a promise never to divulge sensitive information.

Mr. McGrath said the effect of the Civiletti guidelines was to condone unauthorized disclosures in some circumstances and, thus, they were "complicated and confusing" to government employees. "We wanted to be evenhanded," he asserted.

Under the revised rules, court action could be taken against any federal government employee who divulged classified or sensitive information, subject to final approval by the attorney general. It would not matter whether an employee had taken an oath of secrecy, as was the case with Mr. Snepp.

Mr. McGrath said the review procedure involving the attorney general was considered an adequate safeguard against persecution of employees whose disclosures might be of a political nature rather than related to national security.

Mark Lynch, the American Civil Liberties Union attorney who represented Mr. Snepp before the Supreme Court, took sharp exception to Mr. McGrath's assurances, asserting in an interview that the Reagan administration "clearly is out to get leakers who question government policy."

The new guidelines, coupled with proposed changes in the Freedom of Informa-